

REMARKS/ARGUMENTS

In the Response to the June 27, 2003 Office Action filed on October 27, 2003, Applicants stated:

Accompanying this Response is an Information Disclosure Statement, including PTO-1449 Form. Copies of all the references listed on the accompanying PTO-1449 Form may be found in copending related patent application having Application No. 09/828,627, filed April 5, 2001. The Examiner for this copending related patent application is Leon B. Lankford Jr. (art unit 1651). Applicants request that the Examiner consider the references listed on PTO-1449 Form and return a signed copy of the PTO-1449 Form to the undersigned attorney.

The Examiner did not consider the prior art on the PTO-1449 Form because no "legible copy of the cited reference[s] can be found in the parent application 09/828,627." It is respectfully submitted that the prior art listed on PTO-1449 Form filed with the October 27, 2003 Response must have been inadvertently removed from the file of parent application 09/828,627 by someone in the USPTO; especially since the Examiner (i.e., Examiner Lankford Jr. of art unit 1651) for the parent application 09/828,627 did indeed have custody of and did indeed consider the prior art references listed on the PTO-1449 Form filed with the October 27, 2003 Response, as evidenced by the accompanying copy of a PTO-1449 Form from the parent application 09/828,627 which essentially lists the same

identical references listed on the PTO-1449 Form filed with the October 27, 2003 Response, and which bears the initials of Examiner Lankford Jr.

Because the Examiner has not considered the prior art references listed on the PTO-1449 Form filed with the October 27, 2003 Response, Applicants intend to file a continuation patent application to resubmit various claimed embodiments of the invention (e.g., the embodiments of cancelled Claims 1-61, 76-85, and 87-96), and in order for the Examiner to consider the prior art references listed on the PTO-1449 Form filed with the October 27, 2003 Response. However, before filing the continuation patent application, Applicants desire an indication of allowability of independent Claim 62 (currently amended), and dependent Claims 63-75 and 86.

Independent Claim 62 was rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. More specifically, the Examiner alleges that the phrase "temperature range selected from a group of temperature ranges comprising..." in Claim 62 is vague and renders Claim 62 indefinite. Independent Claim 62 has been amended to obviate the rejection under 35 U.S.C. § 112, second paragraph. More specifically, independent Claim 62 has been amended to claim *inter alia*:

..... removing at least a portion of the cholesterol from the erythrocytic cell to produce an erythrocytic cell having a phase

transition when the produced erythrocytic cell has a temperature within a temperature range selected from a group of temperature ranges consisting of a low phase-transition temperature range, an intermediate phase-transition temperature range, and a high phase-transition temperature range; and...

Dependent Claim 64 has been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete. Applicants have amended dependent Claim 64 to claim "increasing the loading efficiency of the oligosaccharide into the erythrocytic cell by heating the oligosaccharide solution."

Claims 62-75 and 86 are now in condition for allowance, and an early notice of same is respectfully solicited in order that Applicants may expeditiously file a continuation patent application and submit the prior art references listed on the PTO-1449 Form filed with the October 27, 2003 Response. Applicants thank the Examiner for his time and considerations in the subject above-identified patent application.

Respectfully Submitted

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